



General Assembly

## ***Substitute Bill No. 5413***

***February Session, 2002***

### ***AN ACT CONCERNING THE LICENSING OF NAIL TECHNICIANS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2002*) As used in sections 2 to 5,  
2       inclusive, of this act "nail technician" means a person who, for  
3       compensation, cuts, shapes, polishes or enhances the appearance of the  
4       nails of the hands or feet. The term includes, but is not limited to, the  
5       application and removal of sculptured or artificial nails.

6       Sec. 2. (NEW) (*Effective October 1, 2002*) (a) Except as provided in  
7       subsection (c) of this section, no person may practice as a nail  
8       technician unless licensed pursuant to section 3 of this act.

9       (b) No person may use the title "licensed nail technician", "licensed  
10      nail specialist" or "licensed manicurist" or make use of any designation  
11      that may reasonably be confused with licensure as a nail technician  
12      unless licensed pursuant to section 3 of this act.

13      (c) No license as a nail technician is required of: (1) A person  
14      licensed as a barber under chapter 386 of the general statutes or as a  
15      hairstylist and cosmetician under chapter 387 of the general statutes;  
16      (2) a person licensed or certified by any agency of this state and  
17      performing services within the scope of practice for which licensed or  
18      certified; or (3) a student, intern or trainee pursuing a course of study  
19      as a nail technician, barber or hairstylist and cosmetician in an

20 accredited educational institution, provided the activities that would  
21 otherwise require a license as a nail technician are a part of a course of  
22 study and are performed under the supervision of a person licensed or  
23 otherwise authorized to practice as a nail technician.

24       Sec. 3. (NEW) (*Effective October 1, 2002*) The Commissioner of Public  
25 Health shall grant a license as a nail technician to any applicant who  
26 furnishes evidence satisfactory to the commissioner that the applicant  
27 has met the requirements of section 4 of this act. The commissioner  
28 shall develop and provide application forms. The initial license  
29 application fee shall be fifty dollars. The license may be renewed  
30 pursuant to section 19a-88 of the general statutes, as amended by this  
31 act, for a fee of twenty-five dollars.

32       Sec. 4. (NEW) (*Effective October 1, 2002*) (a) Except as provided in  
33 subsections (b) and (c) of this section, an applicant for a license as a  
34 nail technician shall submit evidence satisfactory to the Commissioner  
35 of Public Health of having: (1) Completed a course of study acceptable  
36 to the commissioner in the theoretical and practical components of nail  
37 care of not less than one hundred fifty hours of study that included  
38 coursework in anti-fungal techniques, blood-borne diseases and clean  
39 air requirements, and (2) passed an examination prescribed by the  
40 commissioner.

41       (b) An applicant for a license as a nail technician through reciprocity  
42 or by endorsement may, in lieu of the requirements set forth in  
43 subsection (a) of this section, submit evidence satisfactory to the  
44 commissioner that the applicant is licensed or certified as a nail  
45 technician, or as a person entitled to perform similar services under a  
46 different designation, in another state or jurisdiction whose  
47 requirements for practicing in such capacity are substantially similar to  
48 or higher than those of this state and that there are no disciplinary  
49 actions or unresolved complaints pending against the applicant.

50       (c) Prior to March 31, 2003, an applicant for a license as a nail  
51 technician may, in lieu of the requirements set forth in subsection (a) of

52 this section, submit evidence satisfactory to the commissioner of  
53 having practiced as a nail technician for a minimum of one year within  
54 a three-year period immediately preceding application.

55 Sec. 5. (NEW) (*Effective October 1, 2002*) The Commissioner of Public  
56 Health may, after giving notice and an opportunity to be heard, take  
57 any disciplinary action set forth in section 19a-17 of the general  
58 statutes against a nail technician for any of the following reasons: (1)  
59 Failure to conform to the accepted standards of the profession; (2)  
60 conviction of a felony; (3) fraud or deceit in obtaining or seeking  
61 reinstatement of a license to practice as a nail technician; (4) fraud or  
62 deceit in the practice as a nail technician; (5) negligent, incompetent or  
63 wrongful conduct in professional activities; (6) physical, mental or  
64 emotional illness or disorder resulting in an inability to conform to the  
65 accepted standards of the profession; (7) alcohol or substance abuse; or  
66 (8) violation of any provision of sections 2 to 4, inclusive, of this act, or  
67 any regulation adopted pursuant to section 6 of this act. The  
68 commissioner may order a license holder to submit to a reasonable  
69 physical or mental examination if the person's physical or mental  
70 capacity to practice safely is the subject of an investigation. The  
71 commissioner may petition the superior court for the judicial district of  
72 Hartford to enforce such order or to enforce any action taken pursuant  
73 to section 19a-17 of the general statutes.

74 Sec. 6. (NEW) (*Effective October 1, 2002*) The Commissioner of Public  
75 Health may adopt regulations, in accordance with the provisions of  
76 chapter 54 of the general statutes, to further the purposes of sections 2  
77 to 5, inclusive, of this act.

78 Sec. 7. Subsection (e) of section 19a-88 of the general statutes, as  
79 amended by sections 4 and 5 of public act 01-4 of the June special  
80 session, is repealed and the following is substituted in lieu thereof  
81 (*Effective October 1, 2002*):

82 (e) Each person holding a license or certificate issued under section  
83 19a-514, 20-74s, 20-195cc or 20-206ll and chapters 370 to 373, inclusive,

84 375, 378 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399 or  
85 400a and section 20-206n or 20-206o or section 3 of this act shall,  
86 annually, during the month of such person's birth, apply for renewal of  
87 such license or certificate to the Department of Public Health, giving  
88 such person's name in full, such person's residence and business  
89 address and such other information as the department requests. Each  
90 person holding a license or certificate issued pursuant to section 20-475  
91 or 20-476 shall, annually, during the month of such person's birth,  
92 apply for renewal of such license or certificate to the department. Each  
93 entity holding a license issued pursuant to section 20-475 shall,  
94 annually, during the anniversary month of initial licensure, apply for  
95 renewal of such license or certificate to the department.

96 Sec. 8. Subsection (e) of section 19a-88 of the general statutes, as  
97 amended by section 9 of public act 00-226, sections 4 and 5 of public  
98 act 01-4 of the June special session, is repealed and the following is  
99 substituted in lieu thereof (*Effective on and after the later of October 1,*  
100 *2002, or the date notice is published by the Commissioner of Public Health in*  
101 *the Connecticut Law Journal indicating that the licensing of athletic trainers*  
102 *and physical therapist assistants is being implemented by the commissioner*):

103 (e) Each person holding a license or certificate issued under section  
104 19a-514, 20-65k, 20-74s, 20-195cc or 20-206ll and chapters 370 to 373,  
105 inclusive, 375, 378 to 381a, inclusive, 383 to 388, inclusive, 393a, 395,  
106 398, 399 or 400a and section 20-206n or 20-206o or section 3 of this act  
107 shall, annually, during the month of such person's birth, apply for  
108 renewal of such license or certificate to the Department of Public  
109 Health, giving such person's name in full, such person's residence and  
110 business address and such other information as the department  
111 requests. Each person holding a license or certificate issued pursuant  
112 to section 20-475 or 20-476 shall, annually, during the month of such  
113 person's birth, apply for renewal of such license or certificate to the  
114 department. Each entity holding a license issued pursuant to section  
115 20-475 shall, annually, during the anniversary month of initial  
116 licensure, apply for renewal of such license or certificate to the  
117 department.

118       Sec. 9. (*Effective October 1, 2002*) Section 44 of public act 01-4 of the  
119       June special session is repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>on and after the later of October 1, 2002, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>
Sec. 9	<i>October 1, 2002</i>

***Statement of Legislative Commissioners:***

Sections 7 and 8 were added for consistency with the provisions of section 3.

***PD***       *Joint Favorable Subst.*